

REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

In the Office Action, claims 19-20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. 5,915,027 (Cox). Further, claims 1-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 5,734,811 (Croslin) in view of Cox. By means of the present amendment, claims 10, 15, 17 and 19 have been amended to place them in better form, and new claims 21-26 have been added. The claims were not amended in order to address issues of patentability and applicant respectfully reserves all rights he may have under the Doctrine of Equivalents. It is respectfully submitted that claims 1-26 are patentable over Cox and Croslin for at least the following reasons.

Cox is directed to digital watermarking of data by repeatedly inserting/extracting the watermark into/from subregions of the data. On page 3 of the Office Action, in rejection claim 19, column 5, lines 10-34 of Cox is cited to show requesting a requested watermark and determining that the requested watermark is not included in the watermark security system. It is respectfully

submitted that this cited section of Cox is related to inserting a watermark, and is completely silent about any request for a watermark, let alone about any determination as recited in claim 19. In particular, the cited section of Cox does not teach or suggest "determining that said requested watermark is not included in said portion" of the content material available to a watermark security system, as recited in claim 19.

Further, in rejecting claim 19, column 6, lines 24-45 is cited to show obtaining the requested watermark from a collection of substitute watermarks when the requested watermark is not included in the portion. It is respectfully submitted that this cited section of Cox is related to placing the watermark in a predetermined location of the spectrum, e.g., the first N coefficients, to avoid problems associated with changes in the N largest coefficients before and after the watermark insertion. There is no teaching or suggestion in the cited section of Cox of obtaining the requested watermark from a collection of substitute watermarks when the requested watermark is not included in the portion of the content material available to the watermark security system, as recited in claim 19.

Accordingly, it is respectfully submitted that independent claim 19 be allowed. In addition, as claims 20-21 depend from independent claim 19, applicant respectfully requests that claims 20-21 also be allowed.

In rejection claims 1, 6, 10 and 17, the Examiner cites column 3, lines 14-29 of Croslin to show receiving a request for a requested segment. It is respectfully submitted that the cited section of Croslin recites the various hardware elements of a system architecture 100 shown in FIG 1, where a program is stored for restoring a failed route of a network 110, which is what Croslin is directed to. In particular, Croslin is directed to circumvent a network failure and restore customer traffic by quickly determining and implementing a traffic restoration route. Croslin is completely silent and is not concerned with watermarks. Accordingly, it is respectfully submitted that Croslin is not even a proper reference as it relates to the present invention. There is simply no suggestion or motivation to combine Cox and Croslin.

Column 4, line 39 to column 5, line 8 of Croslin is cited to show determining that the requested segment is not included in the select subset of segment, and locating and communicating a substitute segment. Assuming, *arguendo*, that these allegation are

correct and that it is proper to combine Cox and Croslin, it is respectfully submitted that claims 1, 6, 10 and 17 require that the substitute segment has a watermark or is included in a watermark security system. Croslin is completely silent and not concerned with watermarks or watermark security systems.

In summary, the combination of Cox and Croslin is improper as there is no suggestion or motivation to combine them, where Croslin is not even directed or concerned with watermarks. Further, assuming *arguendo* that this combination is proper, there is still no teaching or suggestion in Cox and Croslin, alone or in combination, of the features recited in claims 1, 6, 10, 15 and 17, such as determining that a requested segment is not in the selected material and, in response to the request of this requested segment, using a substitute segment that has a watermark or is included in a watermark security system.


Accordingly, it is respectfully submitted that independent claims 1, 6, 10, 15 and 17 be allowed. In addition, as claims 2-5, 7-9, 11-14, 16, 18 and 22-26 depend from independent claims 1, 6, 10, 15 and 17, applicant respectfully requests that claims 2-5, 7-9, 11-14, 16, 18 and 22-26 also be allowed.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any informalities remain, the Examiner is requested to telephone the undersigned in order to expedite allowance.

Please charge any fee deficiencies and credit any overpayments to Deposit Account No. 14-1270.

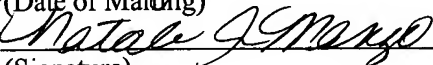
Respectfully submitted,

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January 5, 2005

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